

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LEXINGTON INSURANCE COMPANY  
AND NATIONAL UNION FIRE  
INSURANCE COMPANY OF  
PITTSBURGH, PA

PLAINTIFFS,

v.

VIRGINIA SURETY COMPANY, INC.

DEFENDANT.

CIVIL ACTION NO. 04-11109 RGS

**JOINT MOTION TO EXTEND TIME FOR DISCOVERY OF DEFENDANT VIRGINIA SURETY COMPANY, INC. AND PLAINTIFFS LEXINGTON INSURANCE COMPANY AND NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA**

Defendant Virginia Surety Company, Inc. ("VSC") and Plaintiffs Lexington Insurance Company ("Lexington") and National Union Fire Insurance Company of Pittsburgh, PA ("NUFIC") (collectively, the "Parties") respectfully request that the Court extend the deadlines in its November 23, 2005 Scheduling Order (the "Scheduling Order") to grant the Parties an additional 120 days to complete document and deposition discovery. As proposed, the schedule would extend the discovery deadline to July 31, 2006, the deadline for dispositive motions to August 17, 2006, and oppositions would be due on or before September 18, 2006.

As grounds for this request, the Parties state as follows:

1. The current discovery deadline is March 31, 2006 and dispositive motions are due on or before April 17, 2006.
2. Since the Court's most recent Scheduling Order was entered, the Parties have been diligently pursuing document discovery. To date, the Parties have produced and reviewed over 200,000 pages of documents in three separate cities (Boston, New

York, and Chicago). In addition, the Parties have exchanged responses to interrogatory requests.

3. The Parties believe that document discovery is now almost complete and the Parties are prepared to begin deposition discovery.
4. The Parties anticipate approximately fifteen party and non-party depositions, many of which will require travel to places outside of Boston, including both New York and Chicago. Moreover, a number of the deponents are no longer employed by any party, which may require additional time for the issuance of subpoenas.
5. All of the Parties agree to the proposed schedule and join in this motion.
6. No party will be prejudiced by this extension.
7. No trial date has been scheduled in this matter.

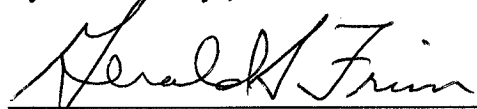
**WHEREFORE**, the Parties jointly request that this Court extend the deadlines in the Scheduling Order by an additional 120 days, to enable the Parties to complete discovery.

LEXINGTON INSURANCE COMPANY  
AND NATIONAL UNION FIRE  
INSURANCE COMPANY OF  
PITTSBURGH, PA,


VIRGINIA SURETY COMPANY, INC.

By their attorneys,

By its attorneys,



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Dated: MARCH 22, 2006

Dated: March 20, 2006